

IN RE: PETITION FOR RESIDENTIAL  
ZONING VARIANCE  
NEC Berkwood and Berkfield  
Roads  
1209 Berkwood Road  
15th Election District  
7th Councilmanic District  
Anthony S. Rinaldi  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1B02.3.B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a glass enclosed deck within 10 inches of the property line, in lieu of the required 8 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of April, 1992 that the Petition for a Zoning Variance from Section 1B02.3.B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a glass enclosed deck within 10 inches of the property line, in lieu of the required 8 ft., in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmn

Suite 111 Counthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

April 28, 1992

Mr. Anthony S. Rinaldi  
1209 Berkwood Road  
Baltimore, Maryland 21237

RE: Petition for Residential Zoning Variance  
Case No. 92-368-A

Dear Mr. Rinaldi:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
encl.

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, petition for a Variance from Section 1B02.3.B OF THE B.C.Z.R.  
TO PERMIT A GLASS ENCLOSED DECK WITHIN  
10" OF PROPERTY LINE, IN LIEU OF THE REQUIRED  
8'.  
of the Zoning Regulations of Baltimore County for the following reasons: (indicate hardship or practical difficulty)  
NO OTHER PLACE TO INSTALL.  
TWO SIDES FACE THE ROAD, DRIVEWAY ON PARK  
SIDE.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or print name)

(Signature)

Address

City

State

Zip Code

Attorney for Petitioner:

(Type or print name)

(Signature)

Address

City

State

Zip Code

Name, address and phone number of owner, contract purchaser or representative to be contacted.

Address

City

State

Zip Code

A PUBLIC HEARING HAVING BEEN REQUESTED AND : R FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

ESTIMATED POSTING DATE: \_\_\_\_\_ ESTIMATED CLOSING DATE: \_\_\_\_\_

ITEM # \_\_\_\_\_



ZONING COMMISSIONER OF BALTIMORE COUNTY



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AFFIDAVIT  
IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do/does presently reside at: 1209 Berkwood Rd.  
Address: MD City: 11257 State: Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)  
No other place to install

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Anthony S. Rinaldi  
Signature: Anthony S. Rinaldi  
Date: 4/15/92  
State of Maryland, County of Baltimore, to wit:  
I HEREBY CERTIFY, this 11 day of March, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared  
Anthony S. Rinaldi

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.  
March 11, 1992  
My Commission Expires: August 1 - 1994



92-368-A #384  
THE DESCRIPTION

Zoning description for 1209 Berkwood Road, being the property located on the North East corner of the intersection of Berkwood and Berkfield Roads, that is Lot #12, Block C, Section 4 in the subdivision of Berkfield as recorded in Baltimore County Plat Book #26, Folio# 051 containing 10,804 Sq. ft. Also known as 1209 Berkwood Road and located in the 15th. Election District.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY 92-368-A  
Towson, Maryland

District: 15th Date of Posting: 4/14/92  
Posted for: Anthony S. Rinaldi  
Petitioner: H.S. Rinaldi  
Location of property: NE Corner Berkwood & Berkfield Rds.  
1209 Berkwood Rd.  
Location of Sign: Living Room and Back Porch  
Remarks: None  
Posted by: Anthony S. Rinaldi Date of return: 4/15/92  
Number of Signs: 1

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date

Account: R-001-6150  
Number

Cashier Validation

Please Make Checks/Payable To: Baltimore County \$60.00  
EA 2003:11PM03-23-92

111 West Chesapeake Avenue  
Towson, MD 21204

April 15, 1992

(410) 887-3353

Mr. Anthony S. Rinaldi  
1209 Berkwood Road  
Baltimore, MD 21237

RE: Item No. 384, Case No. 92-368-A  
Petitioner: Anthony S. Rinaldi  
Petition for Administrative Variance

Dear Mr. Rinaldi:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



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Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this  
11th day of March, 1992.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*W. Carl Rehder Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Anthony S. Rinaldi  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

DATE: April 15, 1992

TO: Arnold Jablon, Director  
Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief  
Development Review Section  
Office of Planning and Zoning

SUBJECT: PETITIONS FROM ZONING  
ADVISORY COMMITTEE - APRIL 6, 1992

The Office of Planning and Zoning has no comments on the  
following petitions:

Joseph M. Lewis	-	Item No. 383
Anthony S. Rinaldi	-	Item No. 384
George Schiaffino	-	Item No. 386
Robert H. Wiedefeld	-	Item No. 387
Joseph A. Cooper	-	Item No. 388
Terry Lee Foy	-	Item No. 389
Elliott Weinstein	-	Item No. 390
Ronald W. Chapman	-	Item No. 394

If there should be any further questions or if this office can  
provide additional information, please contact Francis Morsey in the  
Office of Planning and Zoning at 887-3211.

jm  
PETITNS3.ZON

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: April 8, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili  
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 6, 1992

This office has no comments for item numbers 383, 384, 387, 388,  
389, 390 and 394.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

April 15, 1992

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Comments

The agenda for the zoning advisory committee meeting of April 6, 1992  
has been reviewed by the Department of the Environmental Protection and  
Resource Management staff.

There is no comment for the following item numbers:

383
384
386
387
389
390

SSF:rmp

NO\_CMNT/GWRMP

RECEIVED  
APR 14 1992  
ZONING OFFICE

RECEIVED  
APR 14 1992  
ZONING OFFICE

RECEIVED  
APR 14 1992  
ZONING OFFICE

Baltimore County Government  
Fire Department

700 East Loppa Road, Suite 901  
Towson, MD 21204-5549

(410) 887-4500

APRIL 3, 1992

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: ANTHONY S. RINALDI  
Location: #1209 BERKWOOD ROAD  
Item No.: \*384(JCM) Zoning Agenda: APRIL 6, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by  
this Bureau and the comments below are applicable and required to be  
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl A. F. F.* Noted and  
Planning Group Approved Fire Prevention Bureau  
Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Division

SUBJECT: Zoning Advisory Committee

Date: April 10, 1992

The Developer's Engineering Division has reviewed the items on the  
agenda distributed on April 6, 1992. We have no comment on Items numbered  
349, 383, 384, 386, 387, 388, 389, 390 and 394.

RWB:DAK:pab  
cc: File

ZONADVIS/PB\_MEMO4

RECEIVED  
APR 14 1992  
ZONING OFFICE

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

April 2, 1992

(410) 887-3353

Anthony S. Rinaldi  
1209 Berkwood Road  
Baltimore, Maryland 21237

Re: CASE NUMBER: 92-368-A  
LOCATION: NEC Berkwood and Berkfield Roads  
1209 Berkwood Road  
15th Election District - 7th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case  
number. Any contact made with this office should reference the case number. This letter also serves as a  
refresher regarding the administrative process.

1) Your property will be posted on or before April 12, 1992. The closing date is April 27, 1992. The  
closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing  
date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will  
issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the  
matter be set in for a public hearing. You will receive written notification as to whether or not your  
petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the  
Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers.  
Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after  
the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE  
PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND  
THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE  
FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR  
DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner, Baltimore County

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1209 BERKWOOD RD. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: BERKFIELD  
plat book # 26, folio 057, lots 002, sections 04

OWNER: ANTHONY S. RINALDI #384

92-368-A

WINDISCH 8303 BERKFIELD RD.

5' EASEMENT FOR UTILITY & DRAINAGE

10' EASEMENT FOR UTILITY & DRAINAGE

150' TO 4 BERKWOOD CT.

North

date: prepared by: A.S. RINALDI Scale of Drawing: 1" = 50'

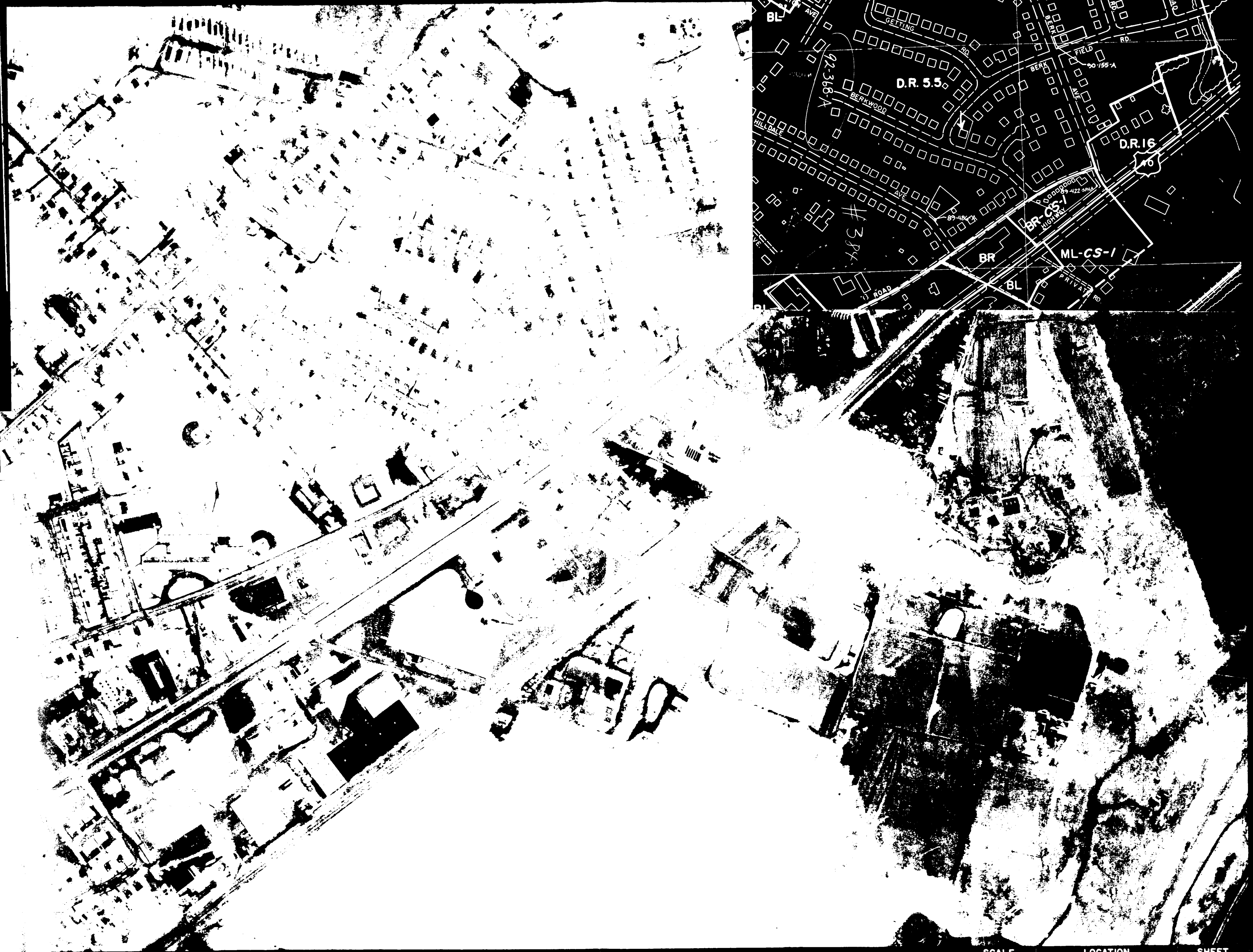
LOCATION INFORMATION

Councilmanic District: 7  
Election District: 15  
1"=200' scale map: NE 3F  
Zoning: DR5.5  
Lot size: 1.2480 acreage  
square feet

SEWER: ☐  
WATER: ☐  
Chesapeake Bay Critical Area: ☐  
Zoning Hearings: NONE

Zoning Office USE ONLY!  
reviewed by: ITEM #: CASE#:

92-368-A



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	ROSEDALE	N.E. 3-F
DATE OF PHOTOGRAPHY JANUARY 1986		

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401